

# ***NEPA Actions after Document Approval***



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# *Actions after Document Approval or Location Design Concept Acceptance (LDCA)*

- ◆ Public Notifications and distribution
- ◆ Project Commitment Tracking
- ◆ Reevaluations
- ◆ Design
- ◆ Environmental Permits/NEPA follow-up actions
- ◆ Construction

# ***Public Notification – Type 2 CE and EA***



- ◆ District publishes a notice that LDCA has been granted in the local newspaper
- ◆ May include combined agency notices for a single project - e.g., USCG
- ◆ The District forwards a copy of the letter authorizing Location and Design Concept Acceptance to the Department's Federal-Aid Management Office



- ◆ **Before publication in the FR:**
  - The document is distributed to agencies and interested parties
  - Published in a newspaper(s)
  - Make available at those facilities listed in the Public Hearing notice
  
- ◆ **FHWA published a Notice of Availability in the FR via EPA's eNEPA online system**
  
- ◆ **[e-NEPA Guide On Registration And Preparing An EIS For Electronic Submission \(PDF\)](#)**
  
- ◆ **After 30 days have elapsed since publication of the notice in the FR the FHWA Division Office may sign the Record of Decision (ROD)**

# *Combined FEIS and ROD*



- ◆ Section 1319 of MAP-21 states that a combined FEIS/ROD will be prepared unless:
  - The FEIS makes substantial changes to the proposed action
  - There are significant new circumstances or information
- ◆ Lead Agency will provide notification of its intent to combine FEIS and ROD, when applicable, in the Notice of Availability of the DEIS
- ◆ Does NOT alter requirements of environmental laws
- ◆ Legal sufficiency review is required
- ◆ Guidance will be included in the next revision of Part 1, Chapter 9
- ◆ FEIS/ROD then uploaded in the EST – sent to Florida State Clearinghouse, ETAT (including cooperating agencies)

# ***Sample notification language on DEIS cover page***

***“FHWA will issue a combined Final  
Environmental Impact Statement and  
Record of Decision document pursuant to  
Pub, L. 112-141, 126 Stat. 405, Section  
1319(b), unless FHWA determines certain  
conditions exist.”***

# *Separate FEIS and ROD*



- ◆ If documents cannot be combined due to certain conditions – submit separately
- ◆ Notice of Availability uploaded by FHWA into e-NEPA for Agency – 30 day public availability period
- ◆ Prepare document for e-NEPA submittal
- ◆ FHWA may sign ROD after 30-day period
- ◆ District published LDCA in newspaper
- ◆ Complete Project Commitment Tracking Procedure



# ***Limitation of Claims Notice -Title 23 USC 139(1)- EA and EIS/ROD***

- ◆ MAP-21 includes a provision for limiting the time period for filing claims and seeking judicial review of permits, licenses, or approvals issued by federal agencies for a highway or public transportation capital project
- ◆ Limits filing a claim to 150 days
- ◆ Prepared by FHWA
- ◆ Published in the Federal Register by FHWA
- ◆ Published in the local newspaper with the LDCA advertisement





# ***Non-Federal Projects***



- ◆ FDOT or other governmental entity is the Lead Agency
- ◆ SEIRs follow basically the same process, i.e. Reevaluations, Commitment Tracking, Permitting requirements, etc.
- ◆ Continue to next phase
- ◆ Note: For Turnpike Projects - Environmental Feasibility is required (FS 338.223)
  - SEIR along with Draft Public notice is sent to FDEP
  - Within 14 days FDEP approves or modifies Public Notice
  - Public Notice is sent – public has 30 days to respond
  - FDEP has 30 days past end of public comment period to submit a statement of environmental feasibility



# ***Project Commitment Tracking Procedure***

- ◆ **FDOT Procedure No. 700-011-035 – Office of Construction**
- ◆ **Only Statewide procedure – approved 2012**
- ◆ **Ensures that commitments are documented and can be tracked throughout the life of the project**
- ◆ **Project Commitment Record Form (PCR), Topic No. 700-011-35**
- ◆ **PCR is the standard form for documenting, transmitting and tracking project commitments**

**9-13-2013: Pen & Ink to change verbiage in Section 1.1**

Approved:



Department of Transportation

Effective: November 14, 2012

Office: Construction

Topic No.: 700-011-035-a

## **PROJECT COMMITMENT TRACKING**

### **PURPOSE:**

To provide guidance and establish a procedure for documenting Florida Department of Transportation (Department) project commitments throughout the Project Development, Design and Construction Phases.

### **AUTHORITY:**

Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

# Project Commitment Record Form

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION						700-011-35	
Project Commitments Record						Construction	
						11/12	
Document information:			Document Type:				
Date:			FM#:				
Project Name:			ETDM #:				
Project Limits:			Document Status:				
Original PD&E FAP#:							
Project Segment Number	Description	To	Approval	Implementation Phase	Status	Comments	Completion Date
Project Development & Environmental Commitments							
Design Commitments							
Right-of-Way Commitments							
Construction Commitments							
Operations & Maintenance Commitments							

**It is the responsibility of the active Project Manager to coordinate with the next phase Manager**

# *Reevaluations*

- ◆ Reevaluations are necessary:
  - Prior to requesting federal-aid projects prior to advancing to the next phase of project implementation (e.g., Final Design, Right Of Way (ROW) or Construction).
  - Any time the design/project changes
  - Any time the design/project changes during design build project
  - Any time a project changes from the federal process to the state process

# Reevaluations



- ◆ **DEIS – A Written evaluation shall be prepared if an FEIS is not submitted to FHWA within three years from the date of DEIS circulation**
- ◆ **FEIS - A Written evaluation shall be required if major steps to advance project have not occurred within three years of the approved FEIS**

# *Reevaluations*

- ◆ Consultation with FHWA that establishes that the existing environmental document is still valid including discussion about any,
  - Phase status
  - Design change
  - Impact status
  - Changes in law
  - Regulations
  - Permitting
  - Commitments

# *Reevaluations*

- ◆ **Determine Documentation and Signatures needed (Reevaluation Form , Figure 13-2)**
  - **If no changes – District prepares form and files – no FHWA signature required**
  - **If requested, form is sent to FHWA for signature**
  - **If there are changes to impacts, the District and FHWA determine level of analysis and public involvement is required to advance project**



# Reevaluations

## Florida Department of Transportation REEVALUATION FORM

### 1. GENERAL INFORMATION (originally approved Environmental Document)

- a. Project Phase: \_\_\_\_\_
- b. Document Type and Date of Approval: \_\_\_\_\_
- c. Project Numbers: \_\_\_\_\_  
Federal Aid      Financial Management      ETDM
- d. Project Name, Location and Limits (from original document):  
\_\_\_\_\_  
\_\_\_\_\_
- e. Segments of Highway Being Advanced:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- f. Project Segment Planning Consistency. If more than one segment is being advanced additional tables should be added.

Currently Adopted CFP-LRTP	COMMENTS				
Y/N	(If N, then provide detail on how implementation and fiscal constraint will be achieved)				
PHASE	Currently Approved TIP	Currently Approved STIP	TIP/STIP \$	TIP/STIP FY	COMMENTS
Identify phase(s) being authorized (e.g., PE, ROW, and/or Construction)	Y/N	Y/N	\$		(If phase completed, note as such otherwise provide comments describing status and activities needed to achieve consistency)

*\*Include pages from TIP/STIP/LRTP*

- g. Name of FDOT Preparer: \_\_\_\_\_

**FIGURE 13.2** Reevaluation Form

# Reevaluations

## 2. CHANGES IN IMPACT STATUS OR DOCUMENT COMPLIANCE

	YES / NO		COMMENTS
<b>A. SOCIAL &amp; ECONOMIC</b>			
1. Social	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Economic	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Land Use Changes	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Mobility	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Aesthetic Effects	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Relocation Potential	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Farmlands	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>B. CULTURAL</b>			
1. Section 4(f)	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Historic Sites/Districts	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Archaeological Sites	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Recreation Areas	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>C. NATURAL</b>			
1. Wetlands and Other			
Surface Waters	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Aquatic Preserves	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Outstanding FL Waters	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Coastal Zone Consistency	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Coastal Barrier Resources	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Listed Species and Habitat	<input type="checkbox"/>	<input type="checkbox"/>	_____
10. Essential Fish Habitat	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>D. PHYSICAL</b>			
1. Noise	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Construction	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Contamination	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Scenic Highways	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Bicycles and Pedestrians	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Utilities and Railroads	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Navigation	<input type="checkbox"/>	<input type="checkbox"/>	_____

# Reevaluations

## 3. EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN

**CRITERIA** (e.g., Typical Section Changes, Alignment Shifts, Right of Way Changes, Bridge to Box Culvert, Drainage Requirements, Revised Design Standards)

## 4. MITIGATION STATUS AND COMMITMENT COMPLIANCE

## 5. STATUS OF PERMITS

## 6. CONCLUSION

If no changes affecting the original environmental determination have occurred check the following:

☐ The above Environmental Document has been reevaluated as required by 23 CFR 771 (or this manual for a SEIR). It has been determined that there have been no changes to the project that affect the original environmental determination. Therefore, the Administrative Action remains valid.

It is recommended that the project identified herein be advanced to the next phase.

## 7. REVIEWER SIGNATURE BLOCK

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
District approving authority or designee

\_\_\_\_\_  
Date

## 8. FHWA CONCURRENCE

FHWA signature required? ☐ Yes ☐ No (date of consultation) \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Federal Highway Administration, Division Administrator

\_\_\_\_\_  
Date

## 9. ATTACHMENTS

**FIGURE 13.2 Reevaluation Form**

3-19-14

PART 1, CHAPTER 13

13-12

# *Reevaluations*

- ◆ Can advance single or multiple segments
- ◆ The entire original project limits must be covered in the reevaluation
- ◆ The project needs to be consistent with the Transportation Plans

# *Reevaluations*

- ◆ **Supplemental Environmental Impact Statements**
  - **Changes to proposed action results in significant environmental impacts**
  - **New information or circumstances relevant to environmental concerns result in significant impacts not evaluated in EIS**

# Reevaluations

- ◆ Type 1 and Programmatic CEs
  - Reevaluated when requesting federal authorization
  - Status of Environmental Certification (figure 13.4)

**Exhibit 20-D Status of Environmental Certification**  
**STATUS OF ENVIRONMENTAL CERTIFICATION**

Financial Management No. \_\_\_\_\_  
Federal Aid No. \_\_\_\_\_  
Project Description (include project title, limits, and brief description of the proposed scope of work) \_\_\_\_\_

This project is a Categorical Exclusion under 23 C.F.R. 771.117:  
\_\_\_\_\_ This project is a Type 1 Categorical Exclusion under 23 CFR 771.117(c) effective November 27, 1987 as determined on \_\_\_\_\_, and the determination remains valid.  
\_\_\_\_\_ This project is a Programmatic Categorical Exclusion per FHWA, FTA, and FDOT Agency Operating Agreement executed on February 12, 2003 as determined on \_\_\_\_\_, and the determination remains valid.

The environmental document for this project was a (check one):  
\_\_\_\_\_ A Type 2 Categorical Exclusion under 23 C.F.R. 771.117(d) approved on \_\_\_\_\_, or  
\_\_\_\_\_ A Finding of No Significant Impact under 23 C.F.R. 771.121 approved on \_\_\_\_\_, or  
\_\_\_\_\_ A Final Environmental Impact Statement under 23 C.F.R. 771.125 approved on \_\_\_\_\_.

A reevaluation in accordance with 23 C.F.R. 771.129 was (check one):  
\_\_\_\_\_ Approved on \_\_\_\_\_  
\_\_\_\_\_ Not required.

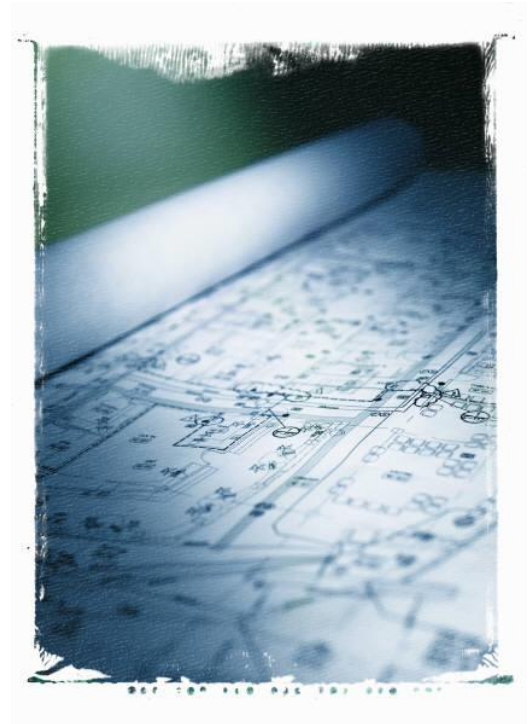
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Environmental Administrator

Exhibit 20-D from Plans Preparation Manual, Volume I, Chapter 20, Plans Processing and Revisions

**FIGURE 13.4. Status of Environmental Certification**

# *In Design*

- ◆ Environmental Offices conduct plan reviews
- ◆ Review plans - compare with PCR & last Reevaluation
- ◆ 30%, 60%, 90% and PS&E
- ◆ Permit applications at 60% plans
- ◆ Right of Way at 60% plans
- ◆ Attend phase review meetings
- ◆ Electronic Review & Comments (ERC)



# ***Design – Environmental Permitting***

- ◆ As more design is developed permit(s) are applied for and continued agency coordination occurs
- ◆ Mitigation plan is refined based on agency coordination and final impacts resulting from project footprint
- ◆ Permits **MUST** be approved prior to the project advancing to construction





# *Types of Permits*

- ◆ **Water Quality**
  - NPDES (National Pollutant Discharge Elimination System) – FDEP
  
- ◆ **Wetland**
  - Environmental Resource Permit – State
  - Section 404 (Dredge and Fill/Wetlands) – Federal
  
- ◆ **Navigation**
  - Bridge Permit – US Coast Guard
  - Navigable Waters – US Army Corps of Engineers

# *Follow up actions during Design*

- ◆ Section 7 ESA consultation finalized
- ◆ Wetland jurisdictional determination
- ◆ NPDES Permitting
- ◆ Coordination with permitting agencies/mitigation
- ◆ Noise wall surveys and Noise Study Addendum
- ◆ Public Hearing for median changes if not addressed during PD&E
- ◆ Level II Contamination Assessment (Design and/or ROW phase)



# Design Phase

## ◆ Design Submittals

## ◆ Phase I

## ◆ Phase II

## ◆ Phase III

## ◆ Phase IV

Topic #625-000-008

Plans Preparation Manual, Volume 2 - English

January 1, 2009

Revised – January 1, 2011

**Figure 2.1 Summary of Phase Submittals**

ITEM	PHASE I	PHASE* II	PHASE III	PHASE IV
Key Sheet	P	P	C	F
Summary of Pay Items		P	C	F
Drainage Map	P	P	C	F
Interchange Drainage Map	P	P	C	F
Typical Section	P	C	C	F
Summary of Quantities			C	F
Summary of Drainage Structures			C	F
Optional Materials Tabulation		P	C	F
Project Layout	P	C	C	F
Roadway Plan-Profile	P	P	C	F
Special Profile	P	P	C	F
Back-of-Sidewalk Profile	P	C	C	F
Interchange Layout	P	P	C	F
Ramp Terminal Details		P	C	F
Intersection Layout/Detail	P	P	C	F
Drainage Structures		P	C	F
Three-Sided/Box Culvert Details			C	F
Lateral Ditch Plan-Profile		P	C	F
Lateral Ditch Cross Section		P	C	F
Retention/Detention Ponds		P	C	F
Cross Section Pattern		P	C	F
Roadway Soil Survey		P	C	F
Cross Sections	P	P	C	F
Stormwater Pollution Prevention Plan		P	C	F
Traffic Control Plans	P	P	C	F
Utility Adjustment		P	C	F
Selective Clearing and Grubbing		P	C	F
Developmental Design Standards		C	C	F
Mitigation Plans		P	C	F
Miscellaneous Structures Plans		P	C	F
Signing and Pavement Marking Plans		P	C	F
Signalization Plans		P	C	F
Intelligent Transportation System (ITS) Plans		P	C	F
Lighting Plans		P	C	F
Landscape Plans	P	P	C	F
Utility Joint Participation Agreement Plans			C	F
Computation Book			C	F
Contract Time			P	F

**Status Key:**

P - Preliminary

C - Complete but subject to change

F - Final

\* Projects which have a structures plans component are required to submit the latest set of structures plans with the Phase II roadway submittal.

# ***Design Phase***

## ◆ **Phase I Submittal**

- **Preliminary Project Layout**
- **Preliminary Drainage**
- **Preliminary Profiles**
- **Preliminary Landscape Plans**

# ***Design Phase***

- ◆ **Phase II Submittal**
  - **Complete typical**
    - **Layout**
    - **Profile**
    - **Design Standards**
  - **Preliminary**
    - **Traffic Control Plans**
    - **Ditch Profile**
    - **Mitigation Plans**

# ***Design Phase***

## ◆ **Phase III**

- **All plans complete ready for review**
- **Contract Time/Duration is Preliminary**

## ◆ **Phase IV**

- **All changes made and ready for letting**

# ***Construction***

- ◆ **Environmental Reevaluation and Certification Form**
- ◆ **Pre-construction meeting**
- ◆ **Coordination with Design PM – PCR handoff**
- ◆ **Public Involvement**
- ◆ **Plan Revision**
- ◆ **Adhere to Permit Conditions and Obtain Remaining Permits, e.g. environmental observers**
- ◆ **Coordination with Maintenance**



# For More Information

## Presenters:

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## References :

### ◆ FDOT PD&E Manual

- *Available at:*

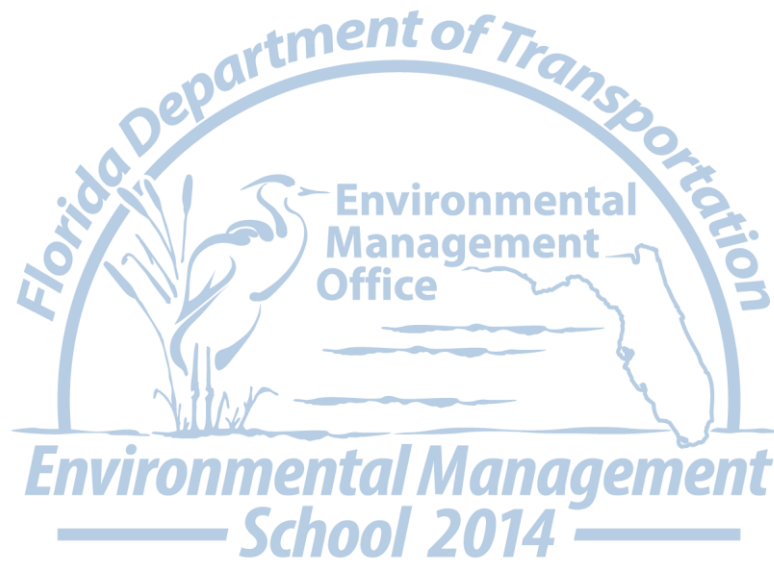
<http://www.dot.state.fl.us/emo/pubs/pdeman/pdeman1.shtm>

### ◆ 23 CFR 771

### ◆ FHWA Technical Advisory T6640.8A



# *Questions?*



***Thank you for attending  
the FDOT Environmental  
Management School***

